

INVESTIGATION OF RADIO AND  
TELEVISION PROGRAMS

EIGHTY-SECOND CONGRESS

REPORT

OF THE

COMMITTEE ON INTERSTATE AND FOREIGN  
COMMERCE

PURSUANT TO

H. Res. 278



SUBMITTED BY MR. HARRIS

DECEMBER 30, 1952.—Committed to the Committee of the Whole House  
on the State of the Union and ordered to be printed

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## LETTER OF SUBMITTAL

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Washington, D. C., December 30, 1952.*

HON. RALPH R. ROBERTS,  
*Clerk, House of Representatives.*

SIR: By direction of the Committee on Interstate and Foreign Commerce, there is submitted herewith, pursuant to House Resolution 278, Eighty-second Congress, second session, the report entitled "Investigation of Radio and Television Programs."

Very truly yours,

OREN HARRIS,  
*Chairman, Federal Communications Commission Subcommittee.*

LETTER OF SUBMITTAL

Hon. Warren E. Hearnes,  
Committee on Education and Labor, U. S. House of Representatives,  
Washington, D. C.  
Dear Mr. Hearnes:  
The following report of the Committee on Education and Labor, U. S. House of Representatives, is submitted herewith for your consideration. The report is entitled "The Education of the Negro in the United States".  
Very respectfully,  
Oscar H. Jones,  
Chairman, Committee on Education and Labor, U. S. House of Representatives.



# Union Calendar No. 796

82D CONGRESS  
2d Session

} HOUSE OF REPRESENTATIVES {

REPORT  
No. 2509

## INVESTIGATION OF RADIO AND TELEVISION PROGRAMS

DECEMBER 30, 1952.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HARRIS from the Committee on Interstate and Foreign Commerce, submitted the following

### REPORT

[Pursuant to H. Res. 278]

The Committee on Interstate and Foreign Commerce was directed by House Resolution 278, acting as a whole or by subcommittee, to conduct an investigation to determine the extent to which the radio and television programs currently available contain immoral or otherwise offensive matter, or place improper emphasis upon crime, violence, and corruption, and to make recommendations to eliminate offensive and undesirable radio and television programs to promote higher standards.

[H. Res. 278, 82d Cong., 2d sess.]

#### RESOLUTION

*Resolved*, That the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, is authorized and directed (1) to conduct a full and complete investigation and study to determine the extent to which the radio and television programs currently available to the people of the United States contain immoral or otherwise offensive matter, or place improper emphasis upon crime, violence, and corruption, and (2) on the basis of such investigation and study, to make such recommendations (including recommendations for legislative action to eliminate offensive and undesirable radio and television programs and to promote higher radio and television standards) as it deems advisable.

The committee shall report to the House (or to the Clerk of the House if the House is not in session) as soon as practicable during the present Congress the results of its investigation and study, together with its recommendations.

For the purpose of carrying out this resolution the committee or subcommittee is authorized to sit and act during the present Congress at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as it deems neces-

sary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

House Resolution 278 was introduced by Mr. Gathings (Democrat, of Arkansas) on June 25, 1951. It was reported from the Committee on Rules on April 30, 1952, and it passed the House of Representatives unanimously on May 12, 1952.<sup>1</sup>

On May 22, 1952, the chairman of the Committee on Interstate and Foreign Commerce appointed the following members to act as a subcommittee to conduct the study and investigation pursuant to House Resolution 278: Oren Harris (Democrat, of Arkansas) (chairman), Arthur G. Klein (Democrat, of New York), F. Ertel Carlyle (Democrat, of North Carolina), Homer Thornberry (Democrat, of Texas), Joseph P. O'Hara (Republican, of Minnesota), J. Edgar Chenoweth (Republican, of Colorado), and Harmar D. Denny, Jr. (Republican, of Pennsylvania).

Under the Legislative Reorganization Act of 1946, the Committee on Interstate and Foreign Commerce has been designated as the standing committee of the House of Representatives to have jurisdiction over all legislation concerned with communications and to exercise congressional oversight over the activities of the Federal Communications Commission. Regular committee funds were used for the study and no additional funds were requested.

Extensive public hearings were held from June through December in Washington, D. C., and New York City. At the opening of the hearings, Members of Congress, including the sponsor of House Resolution 278, Mr. Gathings, were given an opportunity to present their views. Subsequently, the subcommittee heard individual witnesses and witnesses representing various civic and religious groups, the radio and television industry and its trade association, as well as members and staff personnel of the Television Code Review Board. Representatives of advertising agencies and important sponsors of radio and television programs also testified, as well as the Chairman of the Federal Communications Commission. A study was made of television programing techniques with a view to determining the responsibility for and control over the content of radio and television programs and advertising messages. In the course of this study the subcommittee inspected production centers of some of the major networks in New York City.

Approximately 1,200 letters, petitions, and other communications were received from the general public. By far the majority of these communications requested the elimination of beer and wine advertising from radio and television broadcasts. Others objected to the number and character of crime programs. A few were critical of

<sup>1</sup> On that same date the House of Representatives passed H. Res. 596, introduced by Mr. Gathings, to create a select committee to determine the extent to which current literature containing immoral or otherwise offensive matter is being made available to the people through the United States mails or otherwise. On April 30, 1952, when the Committee on Rules favorably reported H. Res. 278 and H. Res. 596, the Committee on Rules rescinded its earlier favorable report on H. Res. 520. H. Res. 520, introduced by Mr. Gathings on February 7, 1952, would have created a select committee composed of 15 Members of the House (4 each from the Interstate and Foreign Commerce, Judiciary, and Post Office and Civil Service Committees and 3 from the membership of the House without reference to any committee) to conduct an investigation and study of radio and television programs and books to determine the extent to which such programs and books contain immoral or otherwise offensive matter, or place improper emphasis upon crime, violence, and corruption.

stated portions of programs; while approving of the program series in question, they disapproved of individual performances.

At the opening of the hearings, Chairman Oren Harris announced on behalf of the subcommittee that, although the subcommittee intended to give the broadest leeway in the conduct of the hearings, it desired to keep the hearings within the provisions of the resolution, and did not seek to settle the controversial question as to what might be the most desirable types of programs. The subcommittee is aware of the fact that occasionally some of the witnesses failed to hew to this line and that in transgressing it they might even have been encouraged by the questions propounded by the subcommittee. The subcommittee feels that this is readily excusable both on the part of the witnesses and the members of the subcommittee, since the question of eliminating objectionable programs is so closely related to the question of what programs might be broadcast in their place.

The subcommittee sought and has received the fullest cooperation of the radio and television industry. This procedure was adopted because it was not the purpose of the subcommittee to accentuate isolated instances of poor judgment. It was rather its objective to make a comprehensive study of the questions and problems raised by the resolution, and in so doing to give some of the principal members of the industry and its trade association the fullest opportunity to make their contribution to what they, as well as the subcommittee, recognize to be an exceedingly complex and difficult problem. The subcommittee has heard from those representatives of the industry, and from all persons outside of the industry, who volunteered to present their views. The subcommittee is aware of the fact that there might be other persons and organizations who, if called upon to testify, could make valuable contributions. However, lack of time did not permit the subcommittee to go further than it did. While the study, therefore, is not complete, the subcommittee nevertheless feels obligated under the terms of the resolution to submit to the Congress at this time its report and conclusions, thus far, as directed.

#### SUMMARY OF TESTIMONY

The testimony before the subcommittee may be summarized under the following headings:

1. Testimony directed toward the question of whether radio and television programs contain immoral or otherwise offensive matter;
2. Testimony directed toward the question of whether improper emphasis is placed in radio and television programs upon crime, violence, and corruption; and
3. Explanation of procedures and organizations established by radio and television stations, networks, and industry organizations for the purpose of exercising appropriate controls over radio and television programs.

#### IMMORAL OR OTHERWISE OFFENSIVE MATTER

The witnesses who testified with respect to the question of whether radio and television programs contain immoral or otherwise offensive matter addressed themselves in the main to the following specific points;

- A. Offensive dress.
- B. Offensive plays or jokes.
- C. Beer and wine commercials, and sponsorship of radio and television programs by the beer or wine industries.
- D. Offensive commercials.

*A. Offensive dress*

Several of the witnesses who took exception to low necklines or otherwise offensively dressed performers volunteered to express their impression that substantial improvements had been made in that respect within the comparatively short time since the adoption of the Television Code on March 1, 1952. Witnesses appearing on behalf of the networks and the NARTB corroborated this impression and reported that the amount of mail in which the writers took exception to low necklines or otherwise offensive dress had sharply declined.

*B. Offensive plays and jokes*

Several witnesses complained about offensive plays involving adultery and other deviations from good moral behavior, and also noted a tendency on the part of some performers toward "blue jokes." These jokes were alleged to occur more frequently on ad lib programs than on other programs. One witness thought that the features complained of could be traced to the fact that many of the writers for and performers on radio and television were recruited from the cabarets and nightclubs of the large metropolitan areas. Presentations and performances that might be acceptable at those places, he felt, were totally unacceptable in the living rooms of the average American family.

Witnesses appearing for the networks and NARTB pointed out to the subcommittee that while there were occasional write-in campaigns on a national level sponsored by certain national organizations attacking in a general way radio and television programs as immoral, individual stations, the networks, and the Television Code Review Board had received only few communications from individuals pointing out specific instances of alleged immorality. The networks and the industry stressed the extent to which the Television Code and the standards adopted by individual radio and television broadcasters are concerned with the elimination of immoral or offensive matter. In this connection the witnesses presented a detailed description of the procedures and organizations which have been established by individual stations, the major networks, and the industry designed to keep out objectionable material and to exercise self-regulation. These procedures and organizations are discussed in another part of this report.

All of the witnesses, including both those representing the industry and those outside the industry, agreed that strict observation of the standards and the code adopted by individual broadcasters, the networks, and the industry would minimize greatly objectionable programs.

In further answer to some of the afore-mentioned complaints, the television networks and the NARTB pleaded that consideration be given in particular to two mitigating factors: (1) The rapid growth of the television industry which is attended by unavoidable growing pains; and (2) the fact that television is a voracious medium which practically devours programs. It was pointed out that all feature



films produced by Hollywood during the year 1951 would supply television stations with programs for only 6 weeks. The networks testified that they were aware of the challenge presented by the tremendous demand for adequate television programs, and that they were making every effort to provide the type of facilities and personnel required to meet this demand more adequately in the future.

In this connection, it was noted that the television networks carry the brunt of the program burden. One of the major networks testified, for example, that it provides 75 hours of network television shows per week. New television stations are greatly dependent upon this network service, and frequently have to rely at the beginning of their operations almost entirely upon such service for their programming before they are able to initiate local programs of their own.

It was further suggested by some of the major networks that to date comedy and variety type programs have predominated on television during the evening hours. Critical comments and testimony received by the subcommittee have largely been directed to this type of program. It was also testified that gradually other types of programs seemed to gain public favor and that commercial sponsorship could now be found for educational and cultural types of programs for which previously commercial sponsorship was found impossible to secure. Representatives of the industry pointed to this development and urged that consideration be given to the rapid growth of the industry, and that the industry be given a chance to experiment with self-regulation to eliminate offensive matter and to grow up without outside interference.

*C. Beer and wine commercials and sponsorship of programs by the beer and wine industry*

Several witnesses representing civic and religious groups emphasized that beer and wine commercials and sponsorship of radio and television programs by the beer and wine industries were objected to strongly by their members. These witnesses did not concern themselves with other aspects of radio and television programs. They took exception, however, to drinking scenes shown in the course of television programs. Some of the witnesses went so far as to say that they would object even to sponsorship by the beer and wine industries of symphonic concerts or opera performances. They contended that the more respectable the programs the more insidious would be the influence of the sponsors.

Objection was also made to statements or inferences in beer and wine commercials that the consumption of these products was wholesome or at least not harmful. Some of these witnesses felt that beer and wine should be placed in the category of narcotics and that advertising of intoxicating liquors, including beer and wine, on radio and television should be prohibited by law.

One of the networks stressed the fact that none of its affiliates located in a dry State or in dry communities broadcast network commercials advertising beer or wine. They stressed the fact that they knew of no way, short of eliminating all beer and wine advertising, of keeping broadcasts by stations located outside of such dry States or dry communities from reaching listeners within such States or communities.

The subcommittee's attention has been called to the fact that no legal restriction exists with respect to advertising of intoxicating liquor. However, with reference to distilled spirits, or what is commonly referred to as hard liquor, the Distilled Spirits Institute, an association of manufacturers of distilled spirits, adopted a policy in November 1935 refraining from advertising of such products over the radio within the continental limits of the United States (Alaska, Hawaii, and Puerto Rico excepted). This policy has been carried over into television broadcasting. The Television Code specifically prohibits the advertising of hard liquor on television.

It is contended by some witnesses before the subcommittee that this policy and the provision of the code have not been fully complied with in the case of one sponsor. The sponsor contends that it has complied with the policy, and uses its name only in connection with the advertising of its nondistilled products. This sponsor contends that in addition to its manufacture of distilled spirits it manufactures beer, special types of farm feeds, and pharmaceutical products. However, the complaints are that the name of this firm is prominently associated by the public with well-known and well-advertised brands of hard liquor.

Particular emphasis was given by the complaining witnesses to the alleged adverse effect of beer and wine advertising on children and teen-agers. These witnesses feared that the influence of the parents, by example and by admonition, to stay away from intoxicating beverages would be seriously undermined if children were given the opportunity to watch and listen to commercials praising the companionable and pleasant influence of beer and wine. The complaining witnesses objected particularly to spot commercials advertising beer and wine which follow children's programs or sports programs, and which come as a complete surprise, giving the parents no opportunity to turn off the radio or television receiver. The representative of the brewing industry who testified before the subcommittee emphasized, however, that none of the advertising of the beer industry was directed toward children and teen-agers.

#### *D. Offensive commercials*

While there was occasional mention of offensive commercials, the individuals referring to such commercials acknowledged and accepted the fact that our American broadcasting system is based on the principle of commercial sponsorship of radio and television programs. It was testified by some of the network witnesses that 99 percent, if not all, of the advertising copy presented on radio and television was prepared by advertising agencies. Nevertheless, the witnesses appearing on behalf of networks stated that the networks assume full responsibility for the content of the commercials just as they assume responsibility for network programs regardless of whether they originate in the networks' own studios or are prepared by advertising or talent agencies.

A specific question was raised with regard to the occasional practice of sponsors to resort in their commercials to the impersonation of doctors who in turn endorse the quality, effectiveness, or harmfulness of certain products. When questioned with respect to these practices, representatives of the NARTB stated that stations and networks should use the greatest care in employing impersonations not only of

doctors but of any professional person for the purpose of endorsing any product advertised over radio or television.

Mention was also made of advertising commercials which become offensive because of frequent repetition in the course of a program. Some of the witnesses agreed that some sponsors had engaged in such advertising. Some of the witnesses pointed out, however, that many sponsors or advertising agencies were inclined to lean toward the point of view that this type of advertising, as far as its effectiveness was concerned, was inferior to high types of institutional advertising.

Attention was also called by at least one network representative to the fact that direct selling methods engaged in by some stations were rapidly being abandoned. The question of direct selling by "pitch men" on television stations had also been raised by the Television Code Review Board, and it is generally not considered by the Board an acceptable method of advertising.

#### IMPROPER EMPHASIS ON CRIME, VIOLENCE, AND CORRUPTION

Criticism on the part of witnesses with respect to crime programs was directed toward several aspects of this type of program. Crime programs were objected to by some witnesses because they were broadcast at an hour when children are apt to view and listen to such programs. Crime programs were criticized as possibly contributing to juvenile delinquency, especially in the case of children coming from broken homes. Statements were also made that crime programs were too numerous or that they occurred at the same time on different stations, so that listeners were denied access to other types of programs during those hours.

In answer to these criticisms, the witnesses representing radio and television stations, networks, and the NARTB contended that while stations regularly broadcast radio and television crime programs, they do not place improper emphasis on such programs. These witnesses contended that such programs are one type of entertainment, and that the subject of crime was prevalent also in books, comics, films, and the theater, and perhaps to a greater degree than on radio and television. It was alleged that were the stations to give in to the public's demand for this type of program, there would be many more than there are now. One of the major networks testified that only 2.7 percent of its television shows and 4.3 percent of its radio programs consisted of crime shows.

It was testified that most of the crime shows are network shows and that, in view of their great cost, they rarely originate locally.

The network witnesses emphasized that they had developed special standards for crime programs and that these standards prohibited the showing of multiple crimes of violence, the use of horror for its own sake, the undermining of confidence in established law-enforcement agencies, the excessive preoccupation with crimes and criminal procedures, and the showing of undue or unusual details of the execution of crimes. The standards further require that in each mystery program the criminal must be brought to justice.

As far as the simultaneous broadcasting of crime programs by different stations in the same community is concerned, the network witnesses testified that they did not consider it desirable competition



among networks to meet the crime program of one network with another crime program broadcast by a second or a third network.

Some of the network witnesses also testified that they refrained from broadcasting crime shows prior to 9 p.m. in the expectation that the younger children would be in bed by that time and thus unable to see crime programs presented after that hour.

With respect to the presentation of western films, showing a great deal of violence, some of the witnesses referred again to the great scarcity of suitable program material and the ready relief that these western films offered to hard-pressed television networks. Furthermore, some of the witnesses pointed to the fact that child study experts appeared to disagree as to whether westerns with their recurrence of violence actually were an undesirable influence on juveniles or whether they satisfied a real need on the part of juveniles in providing a harmless outlet for their aggressive tendencies.

#### DEVELOPMENT AND DESCRIPTION OF THE TELEVISION CODE

About a year ago the television broadcasters of America convened to draft program standards. It was desired to avoid the earlier experience of the motion-picture industry in which six States enacted censorship laws before the film industry initiated its first code for self-regulation. The telecasters realized through severe criticism in the press, in congressional statements, and certain pending legislation providing for the establishment of a citizens' advisory council, that it was in their own best interest and that of the public to initiate a program of self-regulation.

It was noted that some of the harshest criticism directed at television broadcasting had related not to what had been broadcast but to what had not been broadcast. In view of this, it was determined the code should not be limited to an enumeration of prohibitions but should be an affirmative document setting forth desirable positive objectives.

The code contains sections referring to the responsibility of the telecaster to the community, responsibility toward children, the advancement of education and culture, decency and decorum in production, treatment of news and public events, controversial public issues, political telecasts, religious programs, presentation of advertising, acceptability of advertisers and products in general, and advertising of medical products.

The code provisions are set forth in general terms in the realization that such things as *good taste* cannot be rigidly described, and that only general terms can accommodate the wide divergencies of tastes of the American people.

Subscription to the code is entirely voluntary on the part of television stations and networks. The code is administered by the Television Code Review Board composed of five members drawn from the television station membership of NARTB. The members of the board are appointed for a term of 1 year by the president of the NARTB. Due consideration is given to diversification of geographical location, company representation, and network affiliation. A board member may not serve consecutively for more than 2 years.

The responsibility of the board is to maintain a continuing review of all television programming, especially that of subscribers to the

Television Code; to receive, screen, and clear complaints concerning television programming; to define and interpret words and phrases in the Television Code; to develop and maintain appropriate liaison with governmental agencies and with responsible and accountable organizations and institutions; to inform subscribers of complaints or commendations of these organizations, as well as the American public in general; to review and monitor, if necessary, any programs of a subscriber. The Code Review Board is further charged with the responsibility of constantly reviewing the code for its adequacy and to suggest modifications and additions.

The code calls for the display, by its subscribers, of a "Seal of Good Practice." It is one of the functions of the Code Review Board to educate the public to the significance of the seal, so that parents in particular will come to consider it a dependable symbol of suitable programming. This is done in the expectation that stations will value the seal as an important business asset.

The authority to utilize and show the seal, as well as the subscription itself, may be voided, revoked, or temporarily suspended upon duly processed complaints of code violation, and by a two-thirds affirmative vote of the Code Review Board. The following conditions apply in each such case: The subscriber must be advised in writing of the charges; the subscriber has the right to a hearing; oral and written evidence may be introduced by the subscriber and the Television Code Review Board; and the board must notify the subscriber of its decision in writing.

Corrective steps are usually taken when any complaint comes to the attention of the board. Corrective steps consist of an evaluation of the complaint and a letter to the subscriber, together with an analysis of the section of the code involved. Action is taken only on complaints received by the Code Review Board. No requirement is contained in the code that a station must forward the complaints it receives to the board. The Code Review Board does not monitor television programs, but relies upon complaints received from the general public. Only about 100 complaints have been received in the past 6 months, according to code witnesses. Since the inception of the code, only corrective steps have been taken against any of its subscribers—no formal complaints have been instituted.

#### NETWORK AND STATION CONTROL OVER PROGRAMS

The testimony received by the subcommittee shows that the function of the Television Code Review Board is merely supplementary to the controls exercised by television stations and television networks over their programs for the purpose of eliminating offensive matter therefrom. Each of the major networks has established editing or continuity acceptance departments, staffed by experienced personnel, whose sole function it is to review films, plays, and other presentations from the time program ideas are first presented up to the time the finished shows are broadcast on the air. Such review and editing takes place regardless of whether the shows or presentations originate from within the networks' own organization or are purchased (either by the sponsors or by the networks themselves) from advertising or talent agencies. In the case of ad lib shows monitoring of the shows is the

principal method relied on to avoid the broadcasting of objectionable matter.

The control of television programs furnished by the networks does not end at this point, however. Under its affiliation contract a station is free to exercise veto power over any network program and to substitute a program of its own if the station determines that a particular network program is not in the public interest. Some stations provide continuous monitoring of their own with a view to excising from network shows portions which are not considered suitable for broadcasting in the community in which the stations operate.

Programs originating with local broadcasting stations are screened by the continuity acceptance or editing departments provided by many of the larger stations. In the case of smaller stations, this function is frequently added to other duties performed by the programing staffs of these stations.

In addition to all of these controls, it was emphasized that in the choice of programs and the preparation of the details of each presentation, the networks, the stations, and the advertising and talent agencies, as well as the sponsors, are aware at all times of the fact that their prosperity depends on public acceptance of what they have to offer.

### CONCLUSIONS

#### GROWTH OF TELEVISION

(1) It is an understatement and somewhat trite to observe that television is a rapidly growing medium of communications. Nevertheless, it is necessary to put down this observation right at the start because the rapid growth of television is the very reason why no lasting judgments and conclusions can be formed at this juncture with respect to the subject matter under study.

New television stations have been and continue to be added almost daily since the lifting of the freeze. The television programs of yesterday are no longer the television programs of today. The economy of the industry is undergoing rapid changes. Experiments have been carried on, and continue to be carried on, with new forms of television, to wit, theater television, subscription television, and educational television. The Television Code which was placed into effect on March 1, 1952, has not, and could not have, in the 9 months of its existence, proved its worth conclusively. All of these factors have contributed and will continue to contribute in the near future to keeping the development of television in a state of flux. These same factors also make it impossible to pass any conclusive judgment at the present time on the effectiveness of the television industry's effort at self-regulation.

#### SELF-REGULATION VERSUS GOVERNMENTAL REGULATION

(2) The subcommittee welcomes the industry's concerted efforts at making self-regulation effective. The existence of a television code and the commendable intentions of the persons who are seeking to make this code a vital force are proof of the sincerity of the industry in this endeavor. It appears to the subcommittee that self-regulation is making substantial progress in this field and, so long as the public

interest is served, is preferable to Government-imposed regulation.

Question has been raised as to the power of Congress to legislate in this field. The subcommittee believes that the Congress is authorized to do so within limits. In this connection the subcommittee wishes to point to the decision of the Supreme Court in the case of *Burstyn v. Wilson* in which the Court declared unconstitutional a New York State motion-picture-censorship law, which authorized the censors to ban the showing of "sacrilegious" pictures. The Court, in a unanimous opinion, observed that while "unbridled censorship" was in violation of the Federal Constitution, the "capacity for evil" of motion pictures, particularly among children, might be relevant in determining the permissible scope of "community control".<sup>2</sup> The subcommittee feels that the thought expressed by the Court may well have application to the possible institution of limited governmental controls over broadcasting, and television broadcasting in particular. The subcommittee believes, however, that the potential evils inherent in such governmental controls might be even greater than the evils that such controls might be designed to remedy. Furthermore, the subcommittee feels that there appears to be no good reason why such controls should be imposed at this time before the industry has had an opportunity to explore fully whether effective self-regulation is feasible.

#### INDIVIDUAL LICENSEES RESPONSIBLE

(3) It was observed by several witnesses that the tastes of the American people are so diversified that no general rules can be formulated and enforced by a few members of the broadcasting industry for the purpose of eliminating *bad taste* without doing great harm to radio and television as a medium of free expression and communication. One witness went so far as to contend that the organized effort of the industry in adopting a code and in providing machinery to make such code effective was in violation of the laws of the United States. As the subcommittee conceives the operation of the Television Code, it has been adopted on a voluntary basis by the television industry and is designed as a valuable guide to television broadcasters setting forth, in many instances, minimum rather than maximum standards. It is the view of the subcommittee that the code is not, and cannot be, under the Federal Communications Act, designed to be a substitute for the responsibility of the individual station licensee. As a matter of fact the subcommittee feels strongly that there cannot and should not be any delegation on the part of individual licensees of their responsibilities under the law either to a collective industry organization or to a radio or television network.

Some of the major networks whose representatives testified before the subcommittee stated that the networks assumed full responsibility for their programs regardless of whether such programs are developed in their own studios or are provided by other sources. The subcommittee appreciates the sincerity of the networks in frankly trying to

<sup>2</sup> *Burstyn v. Wilson* (343 U. S. 495 (1952)), at p. 502:

"It is further urged that motion pictures possess a greater capacity for evil, particularly among the youth of a community, than other modes of expression. Even if one were to accept this hypothesis, it does not follow that motion pictures should be disqualified from first-amendment protection. If there be capacity for evil it may be relevant in determining the permissible scope of community control, but it does not authorize substantially unbridled censorship such as we have here."



share program responsibility along with the local broadcaster. Also, in the eyes of the public, such shared responsibility surely exists. Nevertheless, under existing law, the final responsibility and accountability remains with the local station.

The Federal Communications Commission has never licensed or attempted to license networks. There is a difference of opinion as to the scope of the Commission's authority, under existing law, to regulate network practices. The Chairman of the Commission in testifying before the subcommittee expressed the personal opinion that networks should be licensed. The subcommittee feels that further study and consideration should be given to this question.

#### OFFENSIVE MATTER ON PROGRAMS

(4) With respect to the question of whether radio and television programs contain "immoral or otherwise offensive matter," the subcommittee feels that the unique position of television may bring about the result that performances or discussions which might be acceptable in motion-picture theaters, on the legitimate stage, in books, magazines, and in the daily press might be considered offensive when presented on television, and particularly so when presented during periods when children customarily watch television programs. The subcommittee is of the opinion that there have been programs offered to the public containing offensive, objectionable, or suggestive material. The subcommittee feels the industry should give greater recognition to this problem with a view to taking additional corrective action.

#### CRIME PROGRAMS

(5) The subcommittee recognizes the existence of differences of opinion with respect to the question of what constitutes improper emphasis on crime, violence, and corruption, and whether improper emphasis has been placed upon crime, violence, and corruption on radio and television programs. However, the subcommittee believes, from the record and by personal observation, that there is entirely too much emphasis upon crime programs, and that too much time is being devoted to such programs. The subcommittee has taken cognizance of the fact that the industry itself is giving particular attention to this problem. It has noticed that in one instance such a program has been discontinued.

The fact that radio and television crime programs attempt to show in their conclusions that crime does not pay, and that the criminal is always brought to justice, does not in the least affect the subcommittee's feelings that crime shows are not suitable subjects for children's programs or for programs that are so timed that they are likely to be watched with some degree of regularity by children.

#### CULTURAL AND EDUCATIONAL PROGRAMS

(6) Both with respect to the question of immoral or offensive matter on television programs and the question of improper emphasis on crime, violence, and corruption, the subcommittee desires to call attention to the point made by some of the witnesses that cultural and educational programs developed by television stations and networks are

finding increasing favor with the public so that commercial sponsors are becoming more and more interested in these programs. This is one of the greatly encouraging aspects of the present state of development in television programing. It is obvious to the subcommittee that cultural and educational programs will avoid the complaints that have been advanced against comedy and variety shows on the one hand, and crime shows on the other hand.

The subcommittee has been impressed with the fact that the demand on the part of television for appropriate programs is infinitely greater than the supply of adequate programs. The awareness of the television industry that it must meet the increasing demand for appropriate television programs, and that the demand is not likely to be met by an increase in the comedy-, variety-, and crime-type program, is one of the best safeguards against an increase, in the future, of the types of complaints with which the subcommittee's study pursuant to House Resolution 278 has been concerned. Furthermore, increasing emphasis on cultural and educational programs on the part of commercial television stations and commercial networks might make possible a considerable degree of decentralization of television programs.

#### PUBLIC CRITICISM

(7) The subcommittee strongly supports the view advanced by several of the witnesses that the best assurance against improper radio and television programing lies in the interplay between an alert and articulate public and an alert and conscientious broadcasting industry. The subcommittee agrees that interested and constructive public criticism is required to enable broadcasters properly to discharge their responsibilities and also to make the operation of the Television Code effective. The industry witnesses emphasized that a great degree of attention was paid by the Television Code Review Board, the networks, and the stations to constructive criticism received from individual listeners. The subcommittee believes that the American public should be stimulated into assuming more wholeheartedly the burden of advancing interested and constructive criticism. In this connection, the subcommittee desires to call attention to the important contributions that have been made by some civic and religious groups who have undertaken to study radio and television programing. The subcommittee feels that the radio and television industry itself can do a great deal to stimulate such constructive contributions, and that the industry might be well advised to make an even greater effort in this direction in the interest of effective self-regulation.

#### OFFENSIVE ADVERTISING METHODS

(8) The subcommittee has also given careful attention to complaints with respect to improper or offensive advertising. Insofar as the complaints relate to the advertising methods employed (such as, for example, impersonation of professional personnel for the purpose of endorsing the products advertised, or direct selling by "pitch men," or unduly frequent repetition of advertising slogans), the standards of the radio and television networks and the Television Code seek to deal in a general way with the methods which have caused complaints along these lines. It seems questionable to the subcommittee whether sufficiently

specific rules and standards can be developed to cope with each and every particular. Rather, it seems to the subcommittee this might be dealt with on a case-by-case basis in the hope that the *case law* will develop an adequate *common law* of radio and television advertising.

The subcommittee is encouraged in this respect by statements made by some of the network witnesses that direct selling is being progressively abandoned by network-owned stations, and also that higher-grade institutional advertising appears to take the place of many less-subtle advertising methods. With respect to advertising methods as with regard to program content, a strong and specific public reaction may well speed the development already under way. In this connection, individual expressions of praise for good advertising might be of equal, if not greater, value than criticism of offensive commercials and the more crude methods of advertising.

#### LICENSED AND REGULATED PRODUCTS

(9) The subcommittee recognizes that the method of advertising as well as the products which are advertised presents a highly controversial problem which must be considered.

The subcommittee is of the opinion that *poor taste* has been used in the advertising of certain licensed and regulated products which has been offensive to a large segment of the public. The subcommittee is greatly concerned about the influence of this advertising on the youth of the Nation.

The subcommittee feels that the sponsors, advertising agencies, and broadcasters should take immediate cognizance of this problem and adopt measures to correct the condition.

It is noted that some advertisers have revised and eliminated certain programs and commercials to which objection has been made. The revision or elimination of such types of programs and commercials, thus leading to higher standards, is a problem which will have the continuing consideration, not only of this committee, but of the public as well.

#### DISTILLED SPIRITS

(10) With reference to certain regulated and licensed products, specifically distilled spirits (commonly referred to as hard liquors), the subcommittee is impressed with the efforts of the radio and television industry and the manufacturers of distilled spirits in their attempts to eliminate all advertising of such products on radio and television.

The subcommittee is of the opinion that the policy adopted by both the manufacturing industry of such products and the radio and television industry is generally being complied with. The subcommittee strongly disapproves of any subterfuge or any attempt to deviate from or violate the spirit of this policy.

#### CONTINUATION OF STUDY

(11) The problems which have been studied by the subcommittee are important, complex, and controversial. The subcommittee has already stated that it believes self-regulation to be preferable to governmental regulation if self-regulation serves the public interest.



The subcommittee believes that continued congressional study of these problems constitutes one of the best assurances that the industry's efforts at self-regulation will be alert and in the public interest. The subcommittee, therefore, recommends that the Committee on Interstate and Foreign Commerce continue and expand during the next Congress the study and investigation conducted by the subcommittee.

Respectfully submitted.

OREN HARRIS, *Chairman*.  
 ARTHUR G. KLEIN.  
 F. ERTHEL CARLYLE  
 HOMER THORNBERRY.

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 J. EDGAR CHENOWETH.  
 HARMAR D. DENNY, Jr.



The first of these is the fact that the lacuna is not a simple cavity, but a complex one, the walls of which are composed of a series of small, rounded, and somewhat flattened nodules, each of which is separated from the next by a narrow, irregular space. The nodules are of varying size, but are generally about the size of a pin's head. They are of a light brown color, and have a smooth, slightly glossy surface. The spaces between them are of a darker brown color, and have a rough, irregular surface. The entire structure is of a light brown color, and has a rough, irregular surface.

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